

1 Anthony Miranda
2 327 Kennedy Lane
3 Oceanside Ca 92054

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 20 2020 ★

LONG ISLAND OFFICE

UNITED STATES
vs.
PHILLIP A. KENNER, ET AL.

CRIMINAL DOCKET NO. 13-607
(JFB) (EDNY)

ANCILLARY PETITION FOR CLAIM OF
LEGAL RIGHT, TITLE OR INTEREST IN
FORFEITED PROPERTY

[21 USC § 853(n)]

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EDNY PRO SE OFFICE

I Anthony Miranda, declare under penalty of perjury that the facts set forth herein are true of my own personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath.

1. The identity of the property in which the petition claims a legal right, title or interest: I own a 1.5% partnership share in Diamante Properties LLC, 457 Main Street, Suite 1A, Danbury, CT 06811. Partnership No. 32-0127491. I have owned these shares since 2008. I received these shares for being employed by Diamante since 2003 and was given this for my early involvement in the project. The shares interest was acquired when I was reasonably

1 without cause to believe that the property was subject to
2 forfeiture. As proof of ownership, I receive an annual K-1 for
3 this asset, as evidenced by a true and correct copy attached hereto
4 as Exhibit "A".

5 2. The nature and extent of the such legal right, title or
6 interest: I own a 1.5% partnership share in Diamante Properties
7 LLC, 457 Main Street, Suite 1A, Danbury, CT 06811. Partnership No.
8 32-0127491. I have owned these shares since 2008. I received
9 these shares for being employed by Diamante since 2003 and was
10 given this for my early involvement in the project. The shares
11 interest was acquired when I was reasonably without cause to
12 believe that the property was subject to forfeiture. As proof of
13 ownership, I receive an annual K-1 for this asset, as evidenced by
14 a true and correct copy attached hereto as Exhibit "A".

15 3. The time and circumstances of the petitioner's
16 acquisition of the right, title or interest: I own a 1.5%
17 partnership share in Diamante Properties LLC, 457 Main Street,
18 Suite 1A, Danbury, CT 06811. Partnership No. 32-0127491. I have
19 owned these shares since 2008. I received these shares for being
20 employed by Diamante since 2002 and was given this for my early
21 involvement in the project. The shares interest was acquired when
22 I was reasonably without cause to believe that the property was
23 subject to forfeiture. As proof of ownership, I receive an annual
24 K-1 for this asset, as evidenced by a true and correct copy
25 attached hereto as Exhibit "A".

26 4. Any additional facts or documents supporting petitioner's
27 claim in the relief sought: As proof of ownership, I receive an
28

1 annual K-1 for this asset, as evidenced by a true and correct copy
2 attached hereto as Exhibit "A". I reasonably believe I am entitled
3 to fair value consideration for my shares.

4 I declare under penalty of perjury under the laws of the State
5 of California that the foregoing is true and correct, and that this
6 declaration is executed on June 14, 2020, at Oceanside, California.

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Anthony Miranda

7-16-20

To be filed:

United States District Court
Eastern District of New York
Long Island Courthouse
Clerk of Court
100 Federal Plaza
Central Islip, NY 11722

Copies to:

Assistant United States Attorney
Diane Leonardo
United States Attorney's Office
Eastern District of New York
610 Federal Plaza
Central Islip, NY 11722

FSA Asset Forfeiture Paralegal
Kristin Lake
United States Attorney's Office
Eastern District of New York
610 Federal Plaza
Central Islip, NY 11722

651113

Schedule K-1
(Form 1065)Department of the Treasury
Internal Revenue ServicePartner's Share of Income, Deductions,
Credits, etc.For calendar year 2015, or tax
year beginning _____
ending _____

2015

► See separate instructions.

 Final K-1 Amended K-1

OMB No. 1545-0123

Part III Partner's Share of Current Year Income,
Deductions, Credits, and Other Items

Part I Information About the Partnership

A Partnership's employer identification number
32-0127491

B Partnership's name, address, city, state, and ZIP code

**DIAMANTE PROPERTIES, LLC
131 DEER HILL AVENUE, SUITE B
DANBURY, CT 06810**

C IRS Center where partnership filed return

E-FILED Check if this is a publicly traded partnership (PTP)

Part II Information About the Partner

E Partner's identifying number
-0176

F Partner's name, address, city, state, and ZIP code

**ANTHONY MIRANDA
327 KENNEDY LANE
OCEANSIDE, CA 92054**G General partner or LLC

member-manager

 Limited partner or other LLC

member

H Domestic partner Foreign partnerI What type of entity is this partner? **INDIVIDUAL**J If this partner is a retirement plan (IRA/SEP/Kangh/etc.), check here

K Partner's share of profit, loss, and capital:

	Beginning	Ending
Profit	1.500000%	1.500000%
Loss	1.500000%	1.500000%
Capital	1.500000%	1.500000%

L Partner's share of liabilities at year end:

Nonrecourse	\$ 338,607.
Qualified nonrecourse financing	\$ 341,958.
Recourse	\$ 0.

M Partner's capital account analysis:

Beginning capital account	\$ -209,557.
Capital contributed during the year	\$ 43,217.
Current year increase (decrease)	\$ 43,217.
Withdrawals & distributions	\$ 166,340.
Ending capital account	\$ -166,340.

Tax basis GAAP Section 704(b) book

N Did the partner contribute property with a built-in gain or loss?

 Yes No

If "Yes," attach statement (see instructions)

For IRS Use Only

Schedule of Activities

For calendar year 2015, or tax year beginning _____, 2015, and ending _____.

Name: **DIAMANTE PROPERTIES, LLC**
For: **ANTHONY MIRANDA**

ID Number: **32-0127491**
558-71-0176

Description of Activity	Activity Number	100% Disposed	Publicly Traded Partnership	Type Code -	Description	Activity -	Activity -	Activity -
	1				DIAMANTE CABO SAN LUCAS, LLC			
Ordinary business income (loss)						58,992.		
Net rental real estate income (loss)								
Other net rental income (loss)								
Interest income								
Dividends - Ordinary dividends								
- Qualified dividends								
Royalties								
Net short-term capital gain (loss)								
Net long-term capital gain (loss)								
- Capital losses (20%) gain (loss)								
- Unrecaptured Section 1250 gain								
Net section 1231 gain (loss)						5,732.		
Other portfolio income								
Section 1256 contracts and straddles								
Other income								
Section 179 deduction								
Charitable contributions								
Portfolio deductions								
Investment interest expense								
Section 59(e)(2) expenditures								
Other deductions								
Net earnings from self-employment								
Gross farming or fishing income								
Gross nonfarm income								
LH credit - Section 42(j)(5) partnerships								
- Other								
Qualified rehabilitation expenditures related to rental real estate								
Other rental credits								
Credits related to other rental activities								
Recapture of LH credit - Section 42(j)(5) partnerships								
- Other								
Other credits								
Post-1986 depreciation adjustment								
Adjusted gain or loss								
Portion of adjusted gain/loss allocable to short-term gain/loss								
Portion of adjusted gain/loss allocable to long-term gain/loss								
Portion of adjusted gain/loss allocable to section 1231 gain/loss								
Depletion (other than oil and gas)								
Oil, gas and geothermal properties - gross income								
Oil, gas and geothermal properties - deductions								
Other AMT items								
Investment income								
Investment expenses								

- * 1 - Single Family Residence 5 - Land
- 2 - Multi-Family Residence 6 - Royalties
- 3 - Vacation or Short-Term Rental 7 - Self-Rental
- 4 - Commercial 8 - Other

525001 04-01-15

Foreign Taxes

Name of partnership/corporation DIAMANTE PROPERTIES, LLC	Employer identification number 32-0127491
a Name of foreign country or U.S. possession MEXICO	
b Total gross income sourced at shareholder/partner level	
c Total gross income sourced at corporate/partnership level:	
(1) Passive category	
(2) General category	192,339.
(3) Section 901(j) income	
(4) Income re-sourced by treaty	
(5) Other income	
d Deductions allocated and apportioned at shareholder/partner level:	
(1) Interest expense	
(2) Other	
e Deductions allocated and apportioned at corporate/partnership level:	
(1) Passive category	
(2) General category	127,615.
(3) Section 901(j) income	
(4) Income re-sourced by treaty	
(5) Other income	
f Total foreign taxes - <input type="checkbox"/> Paid <input type="checkbox"/> Accrued	
g Reduction in taxes available for credit	

92054-7300
JUL 17 20
AMOUNT
\$3.55
R204H108610-06



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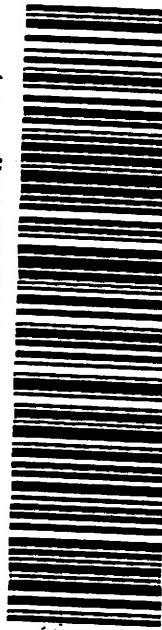
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